

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS, INC.)	
)	
Plaintiff,)	
)	
vs.)	Case Number
)	07 CV 03302-UA-LMS
)	
RANIR, LLC and)	
CVS PHARMACY, INC.,)	
)	
Defendant.)	
)	
_____)

VIDEOTAPED DEPOSITION OF RAYMOND HERRICK DUANE

Taken on Friday, August 3, 2007

At 9:02 A.M.

At Olson, Cannon, Gormley & Desruisseaux

9950 West Cheyenne Avenue

Las Vegas, Nevada 89129

Reported by: Diane E. Lewis, CCR#739, RPR

1 product is, and that's what I'm bound by confidentiality.

2 Q. Uh-huh.

3 A. And honestly, because it has nothing to do with
4 Doctor's NightGuard or a nightguard, I didn't think I'd
5 have to produce it.

6 Q. Okay.

7 A. I haven't asked them to release me.

8 Q. I'm simply asking at this point -- I mean, I'm
9 trying to get the idea of the scope of what it is that
10 you had, what it is that you've produced, what stuff may
11 have been held back. So I'm just going down the list
12 here to make sure.

13 A. No problem. I understand.

14 Q. All documents evidencing any descriptions
15 concerning your position with DenTek.

16 Same answer?

17 A. Yes.

18 Q. All documents concerning DenTek's description
19 of your affiliation, including such descriptions in
20 communications, advertising, or tradeshow applications.

21 A. Yeah, that's an interesting question. I have
22 no documentation and, obviously, the trade has no
23 knowledge of my working for DenTek until the NACDS of
24 this year.

25 My assignment with DenTek as it related to

1 NightGuard had nothing to do with customers so nobody
2 would have any way of knowing.

3 Q. Well, tell me, what does NACDS stand for?

4 A. National Association of Chain Drug Stores.

5 Q. Okay. And when was that this year?

6 A. End of June.

7 Q. Where was it?

8 A. Boston.

9 Q. And you say you were there representing DenTek?

10 A. Well, I wasn't. The way that works is it's a
11 very expensive show to go to, and John was nice enough to
12 offer it to -- and you have to register with a company.

13 Q. Uh-huh.

14 A. And so John was nice enough to offer to let me
15 register under DenTek's name.

16 Q. And so what were you doing there?

17 A. What was I doing there?

18 Q. Yes.

19 A. I was looking for clients.

20 Q. Okay. Were you there doing anything
21 particularly for DenTek?

22 A. No, even though I was registered under their
23 name.

24 Q. Where -- did you have your own booth there?

25 A. I did not.

1 would be nine contact points within that legal entity.

2 Nine offices.

3 Q. So there were a number of brokers that you had
4 contact with while working for Dental Concepts?

5 A. True.

6 Q. Have you had any contact with any of those
7 brokers since leaving Dental Concepts?

8 A. Some of them.

9 Q. Which ones?

10 A. Oh, gosh. It doesn't have anything to do with
11 DenTek.

12 Q. Anything to do with the first project for
13 DenTek?

14 A. No, none.

15 Q. Did you ever contact any of the brokers with
16 regard to DenTek?

17 A. No. I want to make that really clear
18 because --

19 Q. Okay.

20 A. -- as far as anybody outside of DenTek and
21 excluding Kelly Kaplan and Mike Lesser, nobody knew I
22 was working for DenTek when I was working for DenTek,
23 nobody. I had no face to the trade. I made no calls on
24 customers. So as far as the retail environment was
25 concerned, nobody knew I was working for DenTek.

1 The first time that anybody knew that I
2 was doing anything at all with DenTek was when my name
3 appeared under DenTek at the NACDS registration.

4 Q. Okay.

5 A. That's the first time.

6 MR. RAMAGE: Since you mentioned that, let's
7 go ahead and get that exhibit in as Exhibit 7.

8 (Plaintiff's Exhibit No. 7 was marked
9 for identification.)

10 BY MR. RAMAGE:

11 Q. I believe you should recognize that as your
12 registration?

13 A. Yes.

14 Q. Is that the registration you were just
15 referring to?

16 A. Yeah. And I'm somewhere on that sheet of
17 paper, but I can't see it.

18 Q. I think if you look up here, Raymond Duane.

19 A. What does it say "Consultant"?

20 Q. I think you're listed as a consultant for
21 DenTek.

22 A. How perfect? Great. So that's the first
23 public exposure of my doing anything for DenTek at all.

24 Q. Okay. So you didn't have any contact with
25 brokers since leaving Dental Concepts on behalf of